

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-7126**

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WILLIAM E. ARNOLD,

Petitioner - Appellant,

v.

KENNETH E. STOLLE, Virginia Beach Sheriff,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Mark S. Davis, District Judge. (2:10-cv-00131-MSD-TEM)

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Submitted: January 19, 2011

Decided: February 9, 2011

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Before KING, GREGORY, and WYNN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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William E. Arnold, Appellant Pro Se. Kevin Osborne Barnard, FRITH, ANDERSON & PEAKE, PC, Roanoke, Virginia; Donald Eldridge Jeffrey, III, Assistant Attorney General, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William E. Arnold seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2006) petition. The district court referred this case to a magistrate judge pursuant to 28 U.S.C.A. § 636(b)(1)(B) (West 2006 & Supp. 2010). The magistrate judge recommended that relief be denied and advised Arnold that failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation.

The timely filing of specific objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned of the consequences of noncompliance. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985). Arnold has waived appellate review by failing to file objections. Accordingly, we deny a certificate of appealability and dismiss the appeal.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED